



2004 Compliance Certification Instructions for Printers

1. *What is the Compliance Certification?*

Commercial printers are required to certify to the Department of Environmental Protection (DEP) that they are complying with the environmental protection requirements that apply to their business on or before **September 15, 2004**. This package contains the material you need to complete and submit the *Certification*. The accompanying guidance has been designed to enable you to fill out the *Certification* by yourself. Please note: failure to submit the *Certification* on or before September 15, 2004 could result in an enforcement action.

The certification package has four parts:

- **Non-Applicability Statement for Printers** - to be submitted only if you are not required to certify. Review Section 1.1 of the Workbook (page 1). If you do not have to certify, then complete this form and submit it to DEP. (See also Section 2 below)
- **Annual ERP Compliance Certification:** This form has three sections: *Facility Information* that identifies the facility and a contact person; *Compliance Questions*, which are a series of mostly "yes" or "no" questions about whether or not your facility is following the applicable environmental requirements; and a *Certification Statement* to be signed by the facility owner or certain other specified senior managers.
- **Additional Compliance Certification Forms:** Complete the *Return to Compliance (RTC) Plan* if your facility is NOT in compliance with a particular requirement at the time you certify. Complete the *Spill or Release Report Summary* ONLY if your plant had a reportable chemical spill or pollution release during the past year.
- **Printers Environmental Certification Workbook:** Please note that the 2004 compliance workbook is updated with new Hazardous Waste regulatory changes. You may obtain the compliance workbook by downloading one from <http://www.mass.gov/dep/erp/erpforms.htm> or contact Marc Cohen at 617-292-5873. The workbook explains the environmental protection standards that apply to your facility, and how to make sure you are following them. The workbook also provides information about opportunities to prevent pollution at your facility. You should retain the workbook as a reference.

2. *Do I have to certify?*

While the Environmental Results Program applies to almost all commercial printers, certain conditions may exempt your business from the requirement to submit an annual *Compliance Certification*. Review Section I.I of the Workbook (page 1) and the **Non-Applicability Statement** first to determine whether or not you must submit a *Compliance Certification*. If you have checked anything on the statement that exempts you from the program, please submit this *Non-Applicability Statement* to DEP on or before September 15, 2004.



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3. *How do I submit a Compliance Certification?*

If you are eligible for this program, you are required to complete the *Annual Compliance Certification* and either submit it on-line or mail it by **September 15, 2004** to:

**MADEP – ERP-PR
P.O. Box 120-165
Boston, MA 02112-0165**

4. *How Do I Fill Out the Compliance Certification?*

1. Read the workbook to understand the environmental requirements that apply to your facility.
2. Assemble your environmental permits (if any), your purchase records, and hazardous waste manifests for the past 12 months.
3. Make a copy of the *Certification* form to use as a working draft.
4. Read the form. Identify all the questions that apply to your facility. (You will not have to answer all of the questions on the form. The form itself will direct you to skip certain questions. Do not answer questions that you are directed to skip.)
5. Identify all the questions with which you are already in compliance, and those where you will need to make changes in your operation to come into compliance. This step should be done well in advance of September 15.
6. Check with your supplier to find substitute products if you are not currently able to meet certain standards. If you need help, call the Office of Technical Assistance, a free confidential consultation service, at (617)727-3260.
7. Review the Completeness Checklist at the end of these instructions. Once your *Certification* is complete, copy your answers from the draft, make a copy of the completed certification for your files, and submit the final copy to DEP.

5. *What is my Annual Compliance Assurance Fee?*

Payment of your Annual Compliance Assurance Fee is required to maintain a valid certification and cover part of the costs associated with DEP's monitoring, compliance and enforcement activities. The fee for ERP printers replaces all existing state air pollution control, industrial wastewater and hazardous waste management compliance fees that may presently apply to your operation. The new fee is based on the information you provide in Question 30 of the *Certification* form concerning your facility's emission status for volatile organic compounds (VOCs). If you are a small or midsize printer, your annual ERP fee will be \$225. If you are a large printer that emits < 25 tons per year of VOCs, your annual fee will be \$575. If you are a large printer that emits >25 tons per year VOCs, your ERP fee is \$1,175. **PLEASE NOTE: You will be billed for your Annual Compliance Assurance Fee around the beginning of each the calendar year.**



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6. *What is not covered by the Compliance Certification?*

Some facilities may be subject to additional state, federal or local environmental standards that are not covered by the ERP *Compliance Certification*. You still must comply with these requirements, even though they are not included on the Certification. Additional state requirements that may apply to your facility include air pollution control, industrial wastewater, or hazardous waste management requirements for industrial activities other than printing, or other regulatory programs, including: a hazardous waste recycling permit for solvent distillation, an industrial wastewater permit for an underground holding tank, reporting and planning under the Toxics Use Reduction Act,¹ water supply cross connections,² ground water withdrawal permits³; wetlands and waterways protection requirements,⁴ and hazardous waste site clean up requirements.⁵

If you think any of these programs might apply to your business, you can get more information on applicability and compliance requirements from DEP's (617) 292-5500.

7. *Step-by-step instructions for filling out the Compliance Certification*

Facility Information

This section lists the name and address of your business, the individual DEP should contact if there are questions about your *Certification*, your Federal Employer Identification number (FEIN) from your state and Federal income tax forms, and a Facility Identification Number (Facility ID) that DEP has assigned to your facility. If your form has a preprinted label, please make any necessary corrections. Then add your FEIN, the business's phone number, the business email, and name and business phone number for the contact person in the space provided.

Compliance Questions

These questions provide DEP with some background information about your facility and information about whether or not your facility is following the environmental protection standards and requirements that apply to it. The workbook contains the information you will need to determine how to answer the questions. The form tells you where in the workbook you can find information about the environmental requirements referred to in each question. *DEP strongly advises you to consult the workbook before answering any questions.* Most of the questions are "yes" or "no" questions about compliance with particular requirements or standards.

¹ You may be subject to the Toxics Use Reduction Act if you use more than 10,000 pounds per year of a toxic chemical listed on the Federal CERCLA or EPCRA chemical lists. Product MSDSs state whether a chemical is on one of these lists.

² You may be subject to water supply cross connection regulations if you are required to have a backflow prevention device which prevents wastewater from being pulled back into your water supply lines.

³ You may be subject to groundwater withdrawal regulations if you take your process water from an onsite, private well.

⁴ You may be subject to wetlands and waterways regulations if you are doing construction in or near a wetland or in a tideland, or if you have a Tidelands License under Chapter 91.

⁵ You may be subject to hazardous waste site clean up requirements if there has been a spill or release of a hazardous waste or chemical on your property, or if you are undertaking a remedial action to clean up hazardous wastes.



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If you are not in compliance with the requirement on the date you certify, you must complete a *Return to Compliance Form* and submit it with the *Compliance Certification*.

- Please note that it is your responsibility to keep your facility in compliance with environmental protection requirements at all times. You may be subject to enforcement action if you do not comply with the standards. You should be able to come into compliance with all of the standards by the time you complete the certification. "NO" answers should be very rare, and only for those problems that you were unable to correct prior to certifying (for example, if you are using noncompliant products and need time to find products that will work for you).
- There are some questions that ask whether you have been doing a routine activity for the past year, such as properly maintaining your silver recovery unit. Be sure to comply with the requirements throughout the year. The *Certification Statement* includes a pledge that you have systems in place to keep your business in compliance with environmental protection standards over the coming year. DEP will be asking whether or not you complied with the requirement on next year's *Compliance Certification*.
- One question on the form asks if your facility had a spill or release in the last year that was supposed to be report to DEP. If the answer to this question is YES, you must also complete and include a *Spill or Release Report Summary*.

Certification Statement

The *Certification Statement* is a preprinted statement which says that the person signing the form:

- has reviewed it,
- believes the information being submitted is true,
- will make sure that management systems are in place that will keep the facility in compliance with environmental protection requirements throughout the coming year,
- understands that there may be serious consequences for submitting false information to DEP.

The statement may only be legally signed by the facility owner or certain other types of senior managers. The types of managers that are allowed to sign the statement are listed below the space for the signature. The person who signs the form must also print or type his or her name and title on the appropriate lines, date the form, and check the space next to the type of manager he or she is. Note that you must hold one of the titles listed on the form to legally sign it.

Return to Compliance Plan

If your facility is unable to comply with a standard at the time you certify, fill out this plan. The plan asks for the standard you are violating, what you plan on doing to comply, and when you will be in compliance with the requirement. A separate plan is required each time your answer to a question on the *Certification* required a *Return to Compliance Plan*. In the



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unlikely event you need more than one plan, make the necessary number of copies, and attach them to your *Compliance Certification*.

Spill or Release Report Summary

This form asks when the spill or release happened, what was spilled or released, and when you notified DEP. Complete this form only if you had a chemical spill or pollution discharge that tripped the reporting threshold. (See Section 1.5 in the Workbook.) If you need more than one form, make the necessary number of copies and attach them to your *Compliance Certification*.

Completeness Checklist

Complete the checklist below to make sure that you have included all of the necessary information when you submit the *Compliance Certification* to DEP.

- ☐ Are all *Compliance Questions* answered (except those you were directed to skip)?
- ☐ Did you consult the workbook when you were unsure of an answer?
- ☐ Are all required *Return to Compliance Plans* completed and attached?
- ☐ Are all required *Spill or Release Report Summaries* completed and attached?
- ☐ Has the *Certification Statement* been read, understood and signed by an appropriate person?
- ☐ Have you made a copy of the complete *Compliance Certification* for your records?